

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNA HATCH,

Plaintiff,

vs.

Case No. 08-CV-13787
HON. GEORGE CARAM STEEH

ENCOMPASS INSURANCE,

Defendant.

_____ /

ORDER DISMISSING SEPTEMBER 8, 2008 SHOW CAUSE ORDER (#4)

On September 8, 2008, defendant Encompass Insurance was ordered to show cause by September 19, 2008 why this case should not be remanded to state court for lack of federal subject matter jurisdiction in the absence of allegations sufficient to ascertain the parties' citizenship at the time of removal and thus establish complete diversity. See 28 U.S.C. § 1332(a)(1), (c)(1) and JP Morgan Chase Bank v. Traffic Steam (BVI) Infrastructure Ltd., 536 U.S. 88, 91 (2002). Encompass filed a timely response on September 18, 2008. As Encompass notes, Encompass alleged in its notice of removal that it is an Illinois corporation with its principal place of business in Illinois. September 3, 2008 Notice of Removal, ¶¶ 5-6, at 2-3. Encompass further explains that, although plaintiff Hatch's original complaint filed in state court alleged Hatch was a resident of Riverview, Illinois, Hatch's amended complaint alleges Hatch is a resident of Riverview, Florida. State court records attached to the notice of removal indicate that Hatch has received her medical treatment in Florida. Having shown that plaintiff Hatch is a citizen of Florida and that Encompass is a citizen of Illinois, Encompass has demonstrated complete diversity exists in this lawsuit. See Owen Equipment and Erection Co. v. Kroger, 437 U.S. 365, 373 (1978). Accordingly,

The court's September 8, 2008 Order requiring defendant Encompass to show

cause is hereby DISMISSED.

SO ORDERED.

Dated: September 24, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
September 24, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk